

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS
(EASTERN DIVISION - BOSTON)

KIRA WAHLSTROM, Plaintiff, -against- DAVID J. HOEY, LAW OFFICES OF DAVID J. HOEY, P.C., DON C. KEENAN, D.C. KEENAN & ASSOCIATES, P.C. D/B/A THE KEENAN LAW FIRM, P.C., AND KEENAN'S KIDS FOUNDATION, INC. Defendants	Civil Case No. 1:22-cv-10792-RGS
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DECLARATION OF BRIDGET A. ZERNER

I, Bridget A. Zerner, declare under penalty of perjury as follows:

1. I am counsel for Plaintiff Kira Wahlstrom in this action along with John J.E. Markham, II of Markham Read Zerner, LLC. I make this declaration setting forth facts I know of my own personal knowledge as to which I am willing to testify if called upon to do so.

2. On March 2, 2022, I entered an appearance on behalf of Ms. Wahlstrom in the case *O'Toole v. Hoey, et al.*, Civil Action No. 2021-0741, pending in the Superior Court of Suffolk County (the "O'Toole case").

3. Attached as **Exhibit 1** is a true and accurate copy of O'Toole's operative First Amended Complaint filed on February 23, 2022.

4. On March 18, 2022, I served a motion to dismiss all of O'Toole's claims against Ms. Wahlstrom. The motion papers were served on counsel for O'Toole as well as on counsel for David Hoey and Don Keenan who are defendants in that case.

5. Attached as **Exhibit 2** is a true and accurate copy of the Memorandum in Support of Ms. Wahlstrom's Motion to Dismiss O'Toole's claims which was filed in the Superior Court.

6. Attached as **Exhibit 3** is a true and accurate copy of O'Toole's Opposition memorandum to Ms. Wahlstrom's motion to dismiss filed in the Superior Court case.

7. Around this same time, Don Keenan and his law firm also sought for dismissal of the claims asserted by O'Toole against them. Attached as **Exhibit 4** is a true and accurate copy of the Memorandum in Support of Keenan's Motion to Dismiss as well as the Keenan Reply Memorandum in support of his Motion to Dismiss.

8. A motion hearing was held on May 4, 2022 on the motions to dismiss filed by Ms. Wahlstrom and by Keenan and his firm. The hearing was before the Honorable Peter B. Krupp. Attached as **Exhibit 5** is a true and accurate copy of the transcript of that hearing. At the end of the hearing, after taking the motions under advisement, Judge Krupp ordered all the attorneys to cooperate to determine a way to dismiss Ms. Wahlstrom from the case by agreement and ordered all attorneys to return for another court appearance in two weeks.

9. Another hearing in the O'Toole case was held on June 8, 2022 to address whether a resolution was reached to remove Ms. Wahlstrom from the case. Attached as **Exhibit 6** is a true and accurate copy of the transcript of that hearing. No resolution was reached by agreement.

10. Attached as **Exhibit 7** is a true and accurate copy of the Memorandum and Order on Motions to Dismiss entered by Judge Krupp in the O'Toole case on July 14, 2022. Ms. Wahlstrom's motion to dismiss was granted and Keenan's motion to dismiss was denied.

11. Attached as **Exhibit 8** is a true and accurate copy of the Answer filed on July 25, 2022 by Keenan and his law firm in response to the First Amended Complaint in the O'Toole case in the Superior Court.

I declare under penalty of perjury under the laws of the United States of America and of the Commonwealth of Massachusetts that the foregoing is true and correct.

Executed this 18th day of November, 2022 in Boston, Massachusetts.

/s/ Bridget A. Zerner
Bridget A. Zerner (BBO No. 669468)
MARKHAM READ ZERNER LLC
One Commercial Wharf West
Boston, Massachusetts 02110
Tel: (617) 523-6329
Fax:(617)742-8604
bzerner@markhamreadzerner.com
Attorneys for the Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that on November 18, 2022 this document was served by electronic delivery through the CM/ECF system on the registered participants as identified on the Notice of Electronic Filing, which will forward copies to Counsel of Record.

/s/ Bridget A. Zerner
Bridget A. Zerner